

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 5, 9 and 11 have each been made proper independent claims, each including the limitations of the respective base claim and any intervening claims.

The Examiner has finally rejected claims 1-4, 6-8 and 10 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,897,716 to Drewery et al. Applicants acknowledge that the Examiner has allowed claims 12 and 13, and has found claims 5, 9 and 11 allowable over the prior art of record.

In view of the above changes, Applicants believe that claims 5, 9 and 11-13 should now be allowed.

The Drewery et al. patent discloses a method and apparatus for adaptively displaying video signals in which the television receiver receives an incoming television signal as well as a movement information signal which is used by crossfade processors 118 and 120 to select between two different scanning standards.

The Examiner indicates that the movement information signal "is essentially a video resolution control factor. It is inversely proportional to the video quality. A motion image in a video causes the image resolution to decrease, and vice versa. Therefore, the motion information signal reads on the quality indication signal as claimed."

Applicants submit that the Examiner is confusing video quality with video display quality. Motion in a video signal does not affect the quality of the video signal. Rather, it affects the quality of the displayed image, in that in current display technology, in order to reduce flicker in the displayed image, the field rate at the display is increased. However, in the case of motion, this type of processing would produce "judder" on the moving objects. The Drewery et al. patent overcomes this display problem by displaying moving areas of the picture at the standard field rate, and stationary areas of the picture at the double field rate (col. 1, lines 10-39). In order to do this, the Drewery et al. apparatus uses a motion information signal "determined in a known manner and received at an input 116." (col. 3, lines 26-28). Hence, in areas of motion, the display resolution is reduced, while in stationary areas, the display resolution is increased. However, this has nothing to do with the quality of the video signal. It should be understood that the motion information signal quantifies a characteristic of the content of the video signal but not the quality of video signal itself.

In the subject invention, as claimed, the quality indication relating to the analog picture signal is received with the analog picture signal. The quality indication is described in the Substitute Specification on page 3, lines 1-11 (paragraph [0008]): "Preferably, the first quality indication Q11 is the bit-

rate and/or compression ratio and/or the quantization level at which the digital picture signal (used to form the analog picture signal) has been encoded and or other information about the encoding or decoding..." Each of these parameters has a direct bearing on the quality of the analog picture signal.

The Examiner now states "First of all, video quality does affect the video display quality because the displayed image is the direct result of the video signal." It should be clear from the above that Applicants never made or implied such a statement. Obviously, video signal quality affects the video display quality. In fact, that is the basis for Applicants' claimed invention.

The Examiner continues and states "Second of all, it is well known that motion in a video signal does affect the quality of the video signal because it degrades the details or sharpness of the image due to the capturing limitations of conventional video cameras."

Again, Applicants submit that the Examiner is mixing video signal quality with video signal display quality. Motion depicted in a video signal does indeed degrade the quality of the displayed image. However, in the case of the video signal itself, motion depicted in the video signal is not indicative of the quality of the video signal. While the Examiner takes the example of capturing limitations of conventional video cameras, it should be understood that video signals depicting motion may originate from sources

other than conventional video cameras, e.g., computer-generated animation. In that case, the quality of the video signal does not change whether or not motion is being depicted. Rather, the quality of the displayed image is directly affected by the presence or absence of motion being depicted in the video signal.

Applicants submit that the Examiner is disregarding what is clearly disclosed in Drewery et al., i.e., the need for the motion signal is due to deficiencies in the displaying of video signals. In particular, Drewery et al. states at col. 1, lines 7-29 states:

"Conventional television systems, particularly those based on a field rate of 50 Hz, tend to suffer from flicker in large bright areas of the picture. Such flicker can be especially noticeable on large area displays, when it is perceived by the viewer's peripheral vision. Large area flicker can be reduced by increasing the field rate at the display; one simple method of achieving this would be to display each picture at twice the normal rate. This requires the use of a system of storage into which incoming signals are written and from which they are read twice over at twice the conventional scanning frequency. This simple method would remove large area flicker but would also provoke an annoying judder on moving objects, whose edges and fine detail would be portrayed as having discontinuous movement.

"However, the display of moving parts of the picture in accordance with conventional scanning standards does not give rise to appreciable judder, assuming that the original scene was similarly scanned, e.g. in a conventional television camera."

From the above, it should be clear that the problem being solved by Drewery et al. is the difficulty of displaying a video signal depicting motion.

The Examiner further states "Finally, broadly interpreted, the claimed "quality indication" term is met by the motion indication signal in Drewery because applicants failed to substantiate the meaning of the term in the claim. The specification might support the meaning of such term but it is not allowed to interpret into the claims."

Applicants submit that the meaning of a term in the claim may indeed be found in the specification. In particular, in *United States v. Adams*, 383 U.S. 39, at 48-49, 178 USPQ 479, at 482 (1966), the Supreme Court confirmed that "[w]hile the claims...limit the invention, and specifications cannot be utilized to expand the patent monopoly,...claims are to be construed in the light of the specifications and both are to be read with a view to ascertaining the invention." In addition, in *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, at 979, 34 USPQ2d 1321, at 1329-30 (Fed. Cir. 1995), the Federal Circuit reconfirmed the specification's importance in interpreting the claims:

"Claims must be read in view of the specification, of which they are a part....The specification contains a written description of the invention that must enable one of ordinary skill in the art to make and use the invention. For claim construction purposes, the description may act as a sort of dictionary, which explains the invention and may define terms used in the

claims....As we have often stated, a patentee is free to be his own lexicographer....The caveat is that any special definition given to a word must be clearly defined in the specification....The written description part of the specification itself does not delimit the right to exclude. That is the function and purpose of the claims."

Hence, the Examiner's statement is obviously incorrect.

Claim 1 of the subject invention claims "receiving an analog picture signal and a quality indication relating to the analog picture signal". Applicants submit that the meaning of the term "quality indication" may be found in the Substitute Specification on page 3, lines 1-11 (paragraph [0008]), and at page 4, line 16 to page 5, line 11 (paragraph [0011]).

With the above in mind, Applicants submit that a signal indicating the presence or absence of motion in the image being depicted by the video signal is clearly not "a quality indication related to the analog picture signal".

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-13, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by 

Edward W. Goodman, Reg. 28,613  
Attorney

Tel.: 914-333-9611

PHN17661-AMT-081505

12